

ORIGINAL

OPEN MEETING AGENDA ITEM



0000161892

**BEFORE THE ARIZONA CORPORATION COMMISSION**

**COMMISSIONERS**

SUSAN BITTER SMITH - Chairman  
BOB STUMP  
BOB BURNS  
DOUG LITTLE  
TOM FORESE

RECEIVED  
AZ CORP COMMISSION  
DOCKET CONTROL

2015 SEP 8 PM 3 15

IN THE MATTER OF THE APPLICATION OF  
UTILITY SOURCE, LLC, AN ARIZONA  
CORPORATION, FOR A DETERMINATION OF  
THE FAIR VALUE OF ITS UTILITY PLANTS  
AND PROPERTY AND FOR INCREASES IN ITS  
WATER AND WASTEWATER RATES AND  
CHARGES FOR UTILITY SERVICE BASED  
THEREON.

DOCKET NO. WS-04235A-13-0331  
Arizona Corporation Commission

DOCKETED

SEP 08 2015

DOCKETED BY *TV*  
**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On September 27, 2013, Utility Source, LLC ("Utility Source" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for a determination of the current fair value of its utility plants and property and for increases in its rates and charges for water and wastewater utility service provided to customers in the Company's service area in Coconino County, Arizona.

On February 17, 18, and 19, 2015, a full public hearing on the application was convened as scheduled, with the Company, the Commission's Utilities Division ("Staff"), and the Residential Utility Consumer Office ("RUCO") appearing through counsel, and Mr. Nielsen and Mr. Fallon appearing *pro se*.

On August 24, 2015, the Commission's Hearing Division issued a Recommended Opinion and Order ("ROO") recommending approval of an increase to the Company's water and wastewater rates and charges, subject to certain terms and conditions.<sup>1</sup>

On September 8, 2015, at the scheduled Open Meeting, the Commission determined that additional information is needed before the Commission can issue a Decision on the Company's application. As a result, the Commission directed the Hearing Division to convene a procedural

<sup>1</sup> The procedural history for this case is more fully stated in the August 24, 2015 ROO, and is incorporated herein by reference.

1 conference for the purposes of scheduling an additional evidentiary hearing and discussing other  
2 procedural matters.

3 IT IS THEREFORE ORDERED that a **Procedural Conference** shall commence on  
4 **September 15, 2015, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices,  
5 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona. Mr. Nielsen and Mr. Fallon  
6 may attend telephonically.

7 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
8 Communications) continues to apply to this proceeding and shall remain in effect until the  
9 Commission's Decision in this matter is final and non-appealable.

10 IT IS FURTHER ORDERED that the **timeclock** for this matter remains suspended.

11 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
12 31, 38, 42 and A.R.S. § 40-243 with respect to practice of law and admission *pro hac vice*.

13 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
14 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
15 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings  
16 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for  
17 discussion unless counsel has previously been granted permission to withdraw by the Administrative  
18 Law Judge or the Commission.

19 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
20 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
21 hearing.

22 DATED this 8 day of September, 2015.

23  
24   
25 SCOTT M. HESLA  
26 ADMINISTRATIVE LAW JUDGE  
27  
28

1 Copies of the foregoing mailed  
this 8<sup>th</sup> day of September, 2015, to:

2 Steve Wene  
3 MOYES SELLERS & HENDRICKS LTD.  
4 1850 North Central Avenue, Suite 1100  
Phoenix, AZ 85004  
Attorneys for Utility Source, LLC

5 Daniel W. Pozefsky  
Chief Counsel  
6 Residential Utility Consumer Office  
1110 West Washington, Suite 220  
7 Phoenix, AZ 85007

8 Erik Nielsen  
4680 N. Alpine Dr.  
9 PO Box 16020  
Bellemont, AZ 86015


10 Terry Fallon  
11 4561 Bellemont Springs Drive  
Bellemont, AZ 86015

12 Janice Alward, Chief Counsel  
13 Legal Division  
ARIZONA CORPORATION COMMISSION  
14 1200 West Washington Street  
Phoenix, AZ 85007

15 Thomas Broderick, Director  
16 Utilities Division  
ARIZONA CORPORATION COMMISSION  
17 1200 West Washington Street  
Phoenix, AZ 85007

18 COASH & COASH, INC.  
19 Court Reporting, Video and  
20 Videoconferencing  
1802 North 7<sup>th</sup> Street  
Phoenix, AZ 85006

21  
22  
23 By:



Rebecca Unquera  
Assistant to Scott M. Hesla